

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANK BLUE,

Plaintiff,

Case No. 1:24-cv-511

v.

Honorable Sally J. Berens

UNKNOWN BAILEY et al.,

Defendants.

ORDER FOR SERVICE

This is a prisoner civil rights action. The Court has conducted an initial review of the complaint pursuant to 28 U.S.C. §§ 1915(e) and 1915A and 42 U.S.C. § 1997e(c), to determine whether it is frivolous, malicious, fails to state a claim upon which relief can be granted or seeks monetary relief against a defendant that is immune from such relief. Upon initial review, the Court partially dismissed Plaintiff's complaint but concluded that the remainder of his complaint is not subject to dismissal for any of the reasons listed above. Therefore:

IT IS ORDERED that the Clerk shall forward the complaint to the U.S. Marshals Service, which is authorized to mail a request for waiver of service to Defendants Fatoki, Unknown Party #1 named as Nurse Dave, Unknown Party #2 named as Nurse Karen, Hyun, Tober, Miller, Lange, and Bowman in the manner prescribed by Fed. R. Civ. P. 4(d)(2). If waiver of service is unsuccessful, summons shall issue and be forwarded to the U.S. Marshals Service for service under 28 U.S.C. § 1915(d).

IT IS FURTHER ORDERED that the Defendants Fatoki, Unknown Party #1 named as Nurse Dave, Unknown Party #2 named as Nurse Karen, Hyun, Tober, Miller, Lange, and Bowman

shall file an appearance of counsel (individual Defendants may appear *pro se* if they do not have counsel) within 21 days of service or, in the case of a waiver of service, 60 days after the waiver of service was sent. Until so ordered by the Court, no Defendant is required to file an answer or motion in response to the complaint, and no default will be entered for failure to do so. *See* 42 U.S.C. § 1997e(g)(1). After a Defendant has filed an appearance, the Court will enter a case management order to govern further proceedings in this case.

Dated: August 15, 2024

/s/ Sally J. Berens
SALLY J. BERENS
United States Magistrate Judge